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6 Attorney for Jobal Jay Livingston

7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 Jobal Jay Livingston,  
11 Appellant,  
12 v.  
13 United States of America,  
14 Appellee.

Case No. 2:23-cv-01277-APG-NJK

**STIPULATION TO EXTEND BRIEFING  
SCHEDULE**  
(Second Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and Between Jason M. Frierson,  
17 United States Attorney, and Imani Dixon, Assistant United States Attorney, counsel for the United  
18 States of America, and Rene L. Valladares, Federal Public Defender, and Rohit Rajan, Assistant  
19 Federal Public Defender, counsel for Jobal Livingston, that the current briefing schedule be  
20 vacated and extended as follows:

- 21
- Appellant's Opening Brief is due November 15, 2023.
  - 22 • Appellee's Answering Brief is due January 17, 2024.
  - 23 • Appellant's Reply Brief is due January 31, 2024.
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  - 27

1 This Stipulation is entered into for the following reasons:

2 1. This is the second request for an extension of the briefing schedule. The opening  
3 brief is currently due October 25, 2023.

4 2. This case involves an appeal from a bench trial in which Mr. Livingston was  
5 found guilty of one count of disorderly conduct under 38 C.F.R. § 1.218. Four witnesses  
6 testified at trial. The parties also strongly disagreed about the proper interpretation of the  
7 regulation, which has little governing caselaw, and the sufficiency of the evidence presented at  
8 trial.

9 3. Given the relative complexity of this appeal, defense counsel needs a few more  
10 weeks to review the record and prepare the opening brief. Defense counsel does not anticipate  
11 needing any further extensions of time for the opening brief.

12 4. Mr. Livingston is out of custody and does not object to this stipulation.

13 5. The parties agree to the extension.

14 DATED this 24th day of October, 2023.

15  
16 RENE L. VALLADARES  
17 Federal Public Defender

JASON M. FRIERSON  
United States Attorney

18  
19 By: Rohit Rajan  
20 ROHIT RAJAN  
Assistant Federal Public Defender

By: Imani Dixon  
IMANI DIXON  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Jobal Jay Livingston,  
Appellant,  
v.  
United States of America,  
Appellee.

Case No. 2:23-cv-01277-APG-NJK


**ORDER**

IT IS THEREFORE ORDERED that the current briefing schedule be vacated and modified as follows:

- Appellant's Opening Brief is due November 15, 2023.
- Appellee's Answering Brief is due January 17, 2024.
- Appellant's Reply Brief is due January 31, 2024.

IT IS SO ORDERED:

Dated: October 30, 2023

  
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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE